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U.S. District Court

Eastern District of California - Live System

Notice of Electronic Filing

Case Name: USA v. Bedoya-Lopez et al

Case Number: 1:09-cr-00299-LJO

Filler:

Document Number: 176

Docket Text:

ORDER on Motion to Proceed In Forma Pauperis and Request for Certificate of Appealability, re [172], [173] as to Jesus Lopez (4), signed by District Judge Lawrence J. O'Neill on 1/29/14.(Gonzalez, R)

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JAN 29 2014

FILED _____
DOCKETED _____
DATE _____
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1:09-cr-00299-LJO-4 Notice has been electronically mailed to:

Elana Sharon Landau Elana@landauandwhitelaw.com

John Frederick Garland johnfgarland@sbcglobal.net

Joseph Truman Vodnoy attyjvodnoy@gmail.com, kcaulfield@aol.com

Mario DiSalvo mario@disalvolaw.com, daniel@disalvolaw.com

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4 **UNITED STATES DISTRICT COURT**
56 **FOR THE EASTERN DISTRICT OF CALIFORNIA**7 JESUS LOPEZ,
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9 Movant,
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11 v.
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13 UNITED STATES OF AMERICA,
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17 Respondent.

1:09-cr-00299-LJO

**ORDER ON MOTION TO PROCEED
IN FORMA PAUPERIS AND REQUEST
FOR CERTIFICATE OF
APPEALABILITY**
(Docs. 172, 173)14
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Jesus Lopez (“Mr. Lopez”) is a prisoner in federal custody proceeding pro se. He previously filed a FED. R. CIV. P. 60(b)(6) motion for relief from judgment which this Court denied. In the alternative, the Court construed the Rule 60(b)(6) motion as a 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence and dismissed the motion as untimely. The Court also declined to issue a certificate of appealability. Subsequent to this Court’s order, Mr. Lopez filed a notice of appeal.

Pending before the Court is Mr. Lopez’s request to proceed in forma pauperis on appeal and for a certificate of appealability. Both requests are moot. “A party who . . . was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization.” FED. R. APP. P. 24(a)(3). Mr. Lopez’s counsel for the proceeding in this Court was appointed pursuant to the Criminal Justice Act. (Doc. 16). Thus, Mr. Lopez may proceed in forma pauperis on appeal without further authorization. In addition, this Court previously declined to issue a certificate of appealability. (Doc. 170). Accordingly, Mr. Lopez’s

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1 request is moot.

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3 IT IS SO ORDERED.

4 Dated: January 29, 2014

/s/ Lawrence J. O'Neill
5 UNITED STATES DISTRICT JUDGE

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